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November 13, 2006

FAA-2006-26443-1

Federal Aviation Administration  
Manager  
Airman & Airspace Rules Division  
800 Independence Avenue, S.W.  
Washington, DC 20591

Dear Sir/Madam:

My name is Francis van Cortlandt de Peyster. I am an airline pilot employed by United Airlines for the past 38 years. However, due to the Age 60 Rule set forth in 14 CFR 121.383 (c), I will be forced out of my job on December 3, 2006, my 60th birthday.

I am requesting an Age 60 Rule exemption to pilot aircraft in commercial air transport operations, predicated upon satisfying the same criteria that apply to pilots under the age of 60.

I assert that my skills and experience enhance aviation safety and thus serve the public interest. I have over 26,000 hours without violation, and am an FAA certified check airman on the Boeing 747-400. I hold an ATP, current Gold Seal Flight Instructor, Flight Engineer, Reciprocating and Turbojet Certificates. In addition, I have a 1st class medical certificate with NO limitations dated August 2006. I completed a 3-day Proficiency Check with flying colors at United Airline's Training Center on October 31, 2006 (one month prior to age 60) and a required Check Airman's refresher annual seminar in September 2006. In your files you will find medical, rating and performance information on me dating back 44 years. *Please note my unblemished record!*

On November 23, 2006 ICAO will raise the upper age limit for aircraft commanders to age 65. On that day, foreign aircraft commanders over the age of 60 (who the FAA has no medical or performance data on) will be allowed to fly into the United States carrying American passengers. At the same time, American pilots **will not**

have the same rights to carry American passengers in our own country. **This is a double standard that cannot go unnoticed.**

I applaud the United States FAA for recognizing the new ICAO standard of age 65 and, in doing so, allowing foreign pilots over age 60 to fly onto American soil. It must follow that the U.S. government recognize Part 121, flying by over age 60 pilots, as being a safe practice.

In allowing foreign pilots over the age of 60 to fly into the United States, the FAA is defacto granting these foreign captains an age 60 rule exemption. This is the basis upon which I enter my request.

Our foreign counterparts are not unique when compared with other pilots who are subject to this rule. They are, however, being allowed this right uniquely based upon the ICAO world standard.

The FAA is not new to granting age rule exemptions. On January 6, 1992 the FAA approved an extension to the Age 60 Rule to Corse-Air International. This approval was granted with the caveat that Corse-Air had to be compliant to the Age 60 Rule by October 31, 1993. On November 25, 1992 the FAA granted Cargolux an extension to the Age 60 Rule with compliance by July 31, 1993. On November 8, 1993 the FAA granted Icelandair an extension to the Age 60 Rule with compliance by July 31, 1994. The Age 60 Rule extensions were granted to allow these airlines the necessary time to train new pilots needed for each of these companies to become compliant with the Age 60 Rule. As is shown by these examples, the FAA has set the precedent of allowing airline pilots to fly beyond age 60 at their will.

The EEOC has also spoken on the age 60 issue. Both Boeing and Grumman were challenged by the EEOC and each company resolved their case by consent decrees in which they agreed to raise or eliminate their age limitations. At the present time, the EEOC has challenged Exxon Mobil about the forced retirement of their pilots at age 60. This challenge should be resolved in a timely fashion. Although the EEOC has not officially challenged the FAA about the Age 60 Rule, it certainly has made its opinion known to the FAA. In a letter dated June 12, 1995 the EEOC opined the following:

*Finally, we again urge the FAA to vigorously pursue its reconsideration of the Age 60 rule. The practical experience of older pilots has great value in a professional calling for complex and split-second judgments. Moreover, medical and proficiency tests are effective and nondiscriminatory ways to assure that commercial pilots maintain the highest standards of safety at all ages.*

*Elizabeth M. Thornton  
Deputy Legal Counsel*

Since the inception of the Age 60 Rule some 47 years ago, the FAA has continued to grant waivers to commercial airline pilots for any number of health issues including heart condition, high blood pressure, vision difficulty, physical impairment and substance abuse. As a rationale, the FAA maintains that as long as the pilot has completed treatment for the condition and subsequently satisfies FAA standards, he/she should be allowed to continue their career. In addition, on October 22, 2006 the Civil Aviation Medical Association wrote the following:

*"The safety of the aging pilot is well documented by pilots who fly regularly over the age of sixty safely in countries outside the USA. The safety record has been excellent leading to the ICAO council adopting a new standard to increase the upper age limit for airline pilots from age sixty to sixty-five. It becomes applicable on November 23, 2006, for multi crew operations". "IN CONCLUSION, THE CIVIL AVIATION MEDICAL ASSOCIATION SUPPORTS THE ICAO POSITION AND RECOMMENDS THAT THE FAA ABANDON THE AGE 60 RULE."*

*David Bryman ,DO FCAMA  
President, Civil Aviation Medical Association  
Senior International Aviation Medical Examiner  
FAA, Transport Canada, JAA, Australia*

Similarly, the FAA recently recognized that experience and safety are directly related when they increased the retirement age for Air Traffic Controllers to 61. This change enables the FAA to retain experienced controllers at a time when there is a heavy drain on staffing due to retirements at the previous retirement age of 56.

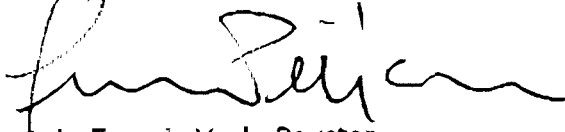
The FAA has established an enviable safety record that should never be compromised. However, due to positive changes in the longevity and health of workers worldwide, coupled with the new realities of our global marketplace, societies are reforming pension law and retirement provisions, including retirement age.

Can this change be made safely for pilots in commercial airline transport operations? Most nations of the world believe so and will make this change on November 23, 2006 in concert with ICAO under whose rules, I and thousands of other U.S. pilots have operated airline aircraft safely worldwide for decades.

Since experience is the primary determinant of safety operations, I am asking that a healthy, highly experienced, competent U.S. citizen, resident, tax paying pilot be allowed to fly beyond the age of 60 as is granted to foreign pilots effective November 23, 2006.

Thank you for your consideration in allowing me to continue the chosen profession to which I have dedicated my life.

Sincerely,



Captain Francis V. de Peyster  
FAA ATP# 1584728

CC:

James M. Inhofe  
United States Senate  
Mike Enzi  
United States Senate  
John Warner  
United States Senate  
Charles Grassley  
United States Senate  
Sam Brownback  
United States Senate  
Conrad Burns  
United States Senate  
Johnny Isakson  
United States Senate  
Larry Craig  
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Ted Stevens  
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John Ensign  
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